


FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT TRAFFIC CRASH INVESTIGATIONS	POLICY NUMBER 17.04
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17.04.01 PURPOSE

To standardize procedures for an effective and efficient traffic crash investigation and reporting program.

17.04.02 AUTHORITY

- A. Chapters 316 and 321, Florida Statutes
- B. National Safety Council Manual, entitled "Classification of Motor Vehicle Accidents."
- C. DHSMV Instructions for Completing the Florida Uniform Traffic Crash Report Form manual

17.04.03 POLICY

It is the policy of the Florida Highway Patrol to investigate traffic collisions in accordance with the provisions of law, to provide/obtain aid for the injured, to maintain public order, to protect the property of persons involved in motor vehicle crashes and to promote efficient utilization of Divisional resources.

17.04.04 DEFINITIONS

- A. **HAZARDOUS MATERIAL** - Any substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety and property. The term encompasses hazardous waste as defined in Section 403.703(21), Florida Statutes.
- B. **VEHICLE** - Every device in, upon or by which any person or property is, or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

17.04.05 OBJECTIVES

- A. To delineate procedures for responding to and investigating traffic crashes referred to the Division.
- B. To specify requirements for preparation and dissemination of reports.
- C. To outline parameters for dealing with special hazards/conditions arising from traffic crashes.
- D. To standardize practices for referral or follow-up in traffic crash investigations.
- E. To enact measures that will ensure preservation of property of persons involved in traffic crashes.
- F. To promote operational efficiency.

17.04.06 RESPONSIBILITIES

A. DUTIES OF TROOP COMMANDER

Each Troop Commander shall arrange for the creation of a records component(s), which shall be appropriately located within the troop and which shall exercise the following responsibilities:

- 1. Reviewing, arranging correction of, duplicating, filing and retrieving/disseminating traffic crash reports so as to ensure compliance with agency requirements and the lawful needs of the public.
- 2. Compiling and submitting original crash reports weekly to the Bureau of Program Planning.
- 3. Ensuring that the provision of Section 316.066(3)(b), Florida Statutes is complied with regarding submission of crash reports to certified county crash records agencies, if applicable.

B. DUTIES OF THE BUREAU OF PROGRAM PLANNING

- 1. To receive and process crash reports submitted by operational components.
- 2. To arrange compilation of statistical data, concerning the occurrences of traffic crashes that may be required to fulfill divisional informational needs as identified by the Director and members of the Command Staff.
- 3. To forward crash reports to the appropriate component of the Department of Highway Safety and Motor Vehicles in compliance with Departmental reporting requirements.

17.04.07 PROCEDURES

A. INVESTIGATIVE/REPORTING RESPONSIBILITIES

1. Members shall respond to, investigate and document on the "Long Form" Report all traffic crashes brought to their attention that involves:
 - a. Bodily injury to or the death of any person. For crashes in which a fatality occurs, the narrative portion of the report shall contain the following information:
 - (1) Name and date of birth of the deceased person(s).
 - (2) Month/Day/Year and time that the person(s) expired.
 - (3) Name of the Traffic Homicide Investigator assigned to the crash.
 - (4) The Traffic Homicide Case Number.
 - b. A violation(s) of Section(s) 316.027, 316.061 and/or 316.193, Florida Statutes.
 - c. Hazardous material incidents, involving the actual/suspected release of toxic substances into the environment, or other unusual conditions that pose a significant threat to public safety.
 - d. Vehicle crashes involving DHSMV vehicles. Photographs are to be taken of all crashes involving DHSMV vehicles or on-duty personnel.
 - e. Damage to vehicles/property owned by components of government. Such investigations will only be undertaken at the direction of command or supervisory personnel.
 - f. Crashes that result from the commission of a criminal offense (robbery, auto theft, etc.) or from any pursuit.
 - g. Any crash involving a self-propelled vehicle - with or without a trailer – being used in commerce to transport cargo, or passengers, or any vehicle displaying a hazardous material placard. (See Instructions for Completing the Florida Uniform Traffic Crash Report Forms, January 2002, for complete instructions)
2. Members shall respond to, investigate and document on the "Short Form" Report traffic crashes that do not include any of the criteria specified in Section "1" above but which do involve:
 - a. Damage to any vehicle or other property in an apparent amount of at least \$500.
 - b. Serious, potentially violent arguments, disturbances or confrontations involving principals or other persons present at the scene. (If such altercations involve the commission of a criminal offense, an Offense/Incident Report or appropriate criminal arrest form shall be completed by the member)

- c. Removal of a vehicle from traffic by towing.
 - d. Crashes resulting in major traffic congestion on all roadways.
- 3. Generally, members shall refrain from investigating collisions:
 - a. Previously investigated by another law enforcement agency. However, this provision shall not be construed to prevent members from responding affirmatively to requests for assistance put forth by county/municipal police.
 - b. Which take place inside the limits of any incorporated municipality and which do not occur on the interstate highway system or other state highways, however:
 - (1) This section shall not be interpreted to nullify local mutual assistance pacts agreed to by Troop Commanders and county/municipal authorities.
 - (2) When jurisdictional disputes cannot be amicably resolved, members shall proceed to conduct the investigation, documenting the location of the crash in accordance with the available evidence and the member's own best judgment.
 - c. In which all participants have departed the scene prior to arrival of the investigating officer, unless the crash resulted in injury or death or the investigating member's arrival has been delayed by other operational requirements.
 - d. Which takes place in parking lots and on residential streets provided none of the criteria referenced in Sections "1" or "2" above are present.
- 4. In the absence of investigative criteria specified above, members may:
 - a. Supply participants with copies of "Short Form" Report and permit them to fulfill reporting requirements. Such forms may be delivered to participants in person or supplied by mail.
 - b. Complete entries on the "Short Form" Report on behalf of participants in the event that one or more are elderly, confused, or otherwise indicate a need for the member's assistance.
- 5. Exchange of Information

The law enforcement officer at the scene of a traffic crash required to be reported in accordance with the provisions of Section 316.066, Florida Statutes, shall instruct the driver of each vehicle involved in the crash to report the following to all other parties suffering injury or property damage as an apparent result of the accident:

 - a. The name and address of the owner and the driver of the vehicle.

- b. The license number of the vehicle.
- c. The name of the liability carrier for the vehicle.

Providing a copy of the crash report or a copy of a completely filled out information exchange report form to each participant may fulfill this requirement.

- 6. Comprehensive instructions on how to complete crash reports can be found on the, "HSMV Instructions for Completing the Florida Traffic Crash Report Forms" manual and is hereby, adopted by reference.

B. PRELIMINARY DUTIES OF THE INVESTIGATING OFFICER

- 1. Upon arriving at the scene of a motor vehicle crash members shall conduct a quick, preliminary survey of the scene to determine the existence of any hazards. Members shall then implement temporary measures to stabilize dangers posed by:
 - a. Downed power lines.
 - b. Gasoline/fuel spills.
 - c. Hazardous material leaks/incidents.
 - (1) If possible, ensure that all personnel are kept 2,000 feet/0.4 miles from the scene.
 - (2) Provide responding emergency personnel with spill/leak information and note content of identification placards.
 - d. The presence of explosives - arrange, if possible, for a protective zone extending 2,000 feet/0.4 miles in all directions from the source of the threat.
 - e. Unstable vehicles/traffic conditions - request assistance as required.
- 2. The primary responsibility of the first officer responding to the scene of a motor vehicle collision is to care for injured persons and to protect the crash scene. Consequently, members shall:
 - a. Position the patrol vehicle to protect victims or warn other motorists of roadway obstructions or hazards that cannot be moved from the roadway. (Members are cautioned not to rely on the presence of the patrol car to divert traffic around crash scenes. Other warning measures should be employed as well and vehicles should be removed from the roadway once the need to protect victims or warn other motorists no longer exists.)
 - b. Utilize vehicle emergency lighting to maximize visibility/warning. Augment with safe, proper placement of fuses if appropriate.

- c. Assess injuries, provide immediate aid to victims and initiate requests for first responder services (i.e.; fire equipment, hazardous material response units, ambulances/paramedics, power companies, tow trucks, etc.)
 - (1) Members are responsible for caring for victims until professional medical assistance becomes available.
 - (2) Treatment of victims will be turned over to qualified medical personnel upon their arrival.
- 3. Subsequent to arranging for treatment of the injured, the investigating officer should initiate measures to neutralize any remaining hazards and perform secondary duties prior to commencing an investigation, including:
 - a. Hazardous material spills/incidents
 - (1) Procedures for dealing with such incidents are outlined in US Department of Transportation publication entitled "Emergency Response Guidebook."
 - (2) Member's responses to such incidents shall be in accordance with the provisions of the Emergency Response Guidebook" and Chapter 16 of the Florida Highway Patrol Policy Manual and will not exceed the scope of the member's training.
 - b. Maintaining order.
 - c. Establishing a safe traffic pattern around the crash scene. Cones, flares or barriers other than vehicles should be used to divert traffic whenever possible.
 - d. Preserving evidence. For traffic crashes involving death, potential death or a violation of Section 316.027, Florida Statutes, the scene will be considered a crime scene. Relevant portions of FHP policies 12.01, 12.02, and 22.01 will be followed.
 - e. Locating witnesses.
 - f. Determining the need for specialist intervention. A Traffic Homicide Investigator shall be summoned:
 - (1) For all crashes or any other motor vehicle related incidents involving the actual or impending death of any person.
 - (2) For all collisions involving Division vehicles or on-duty personnel, unless this requirement is waived by the appropriate troop/district commander. A waiver shall not be granted if any death or serious injury occurs as a result of such crash.

- (3) For such other crashes when, in the judgment of the investigating officer and the appropriate supervisor, such intervention is clearly warranted.
4. The appropriate supervisor will be notified of any actual or impending traffic fatality.
 - a. If in service, the supervisor will respond to the scene.
 - b. If the supervisor is at home in an on-call status, he/she will use good judgment in determining whether or not to respond to traffic crashes. Unusual, multi-vehicle and multi-fatality crashes require a supervisor to respond to the scene.

C. CONDUCTING TRAFFIC CRASH INVESTIGATIONS

Subsequent to arranging treatment for the injured and/or securing the scene, members shall initiate an investigation in accordance with the provisions of Section "A" and:

1. Obtain/record information required to complete appropriate crash reports.
2. Interview and record the statements of witnesses and document any spontaneous utterances offered by participants in the member's presence.
3. Examine the scene and:
 - a. Obtain appropriate measurements for a crash diagram (if appropriate.)
 - b. Arrange for necessary photographs to be taken.
 - c. Collect, mark and preserve physical evidence in compliance with Division directives.
 - d. Obtain identification information from and assess damage to participants' vehicles.
4. Thoroughly document findings and prepare the appropriate crash report in compliance with requirements stated above. Such report shall be generated in accordance with crash investigation instructions. Such report shall be completed and submitted in accordance with the provisions of law. Copies shall be retained by local FHP facilities in compliance with procedures promulgated by the Troop Commander.
5. Safeguard the property of victims until it can be claimed or returned to its rightful owner. Property not left in the vehicle will be treated in the same manner as evidentiary materials and handled in compliance with the provisions of Chapter 12. Property which cannot/is not removed from a towed vehicle shall be listed on the inventory.
6. Upon completion of a crash investigation an officer should take enforcement action when a violation has been detected, the identity of

the violator can be established and available evidence will allow each of the elements of the offense to be sustained. However, in fatal crashes the member should refrain from filing routine infraction charges until after the Traffic Homicide Investigator has completed his work and determined whether or not criminal charges are to be pursued. Members shall also consult with the appropriate State Attorney prior to filing minor infraction charges in any fatal crash.

7. Arrange for the notification of next-of-kin of persons killed or seriously injured in traffic crashes which they are assigned to investigate. Such notification shall be delivered in person, not by telephone and ideally should be conveyed immediately after the investigation is concluded. **UNDER NO CIRCUMSTANCES** will the names of victims be released to the news media prior to notification of next-of-kin. When relatives of the victim(s) reside outside geographic troop boundaries, an administrative message shall be sent to the appropriate law enforcement agency with an accompanying request for notification of next-of-kin.
8. Arrange for notification of medical examiners, prosecutors, and other officials as appropriate.
9. For fatalities, arrange for an administrative message, via NCIC/FCIC, outlining the details of the crash to be transmitted to troop headquarters and to FHP Headquarters in Tallahassee. Also, forward a synopsis of the crash to the Public Affairs Officer to facilitate preparation of a news release.

D. ASSIGNMENT OF PERSONNEL/TRANSFER OF INVESTIGATIVE RESPONSIBILITY

1. Normally, the closest available FHP Unit will be assigned to respond to a crash and complete the investigation.
2. If two officers are assigned to a crash, the lead officer shall be the member assigned to the patrol zone in which the crash occurred unless otherwise specified by command personnel.
3. If two or more members arrive on the scene of a crash without prior notification, the zone trooper (or if none-the senior/ranking officer) shall assume responsibility for directing the investigation.
4. The senior/lead officer at a crash scene shall retain functional authority to direct the investigation unless/until relieved of that responsibility by supervisory/investigatory personnel. The member is not relieved of such authority until the following criteria have been met:
 - a. Supervisor/investigative specialist arrives on the scene, **and**
 - b. Supervisor/investigative specialist has been thoroughly briefed as to the situation and what has been done, **and**

- c. Supervisor/investigative specialist clearly advises the member that he/she is aware of the facts and is assuming responsibility for the scene.
- 5. Under ideal conditions two members shall be assigned to conduct fatal crashes, one to conduct the crash investigation and a second to conduct the traffic homicide investigation. However, with supervisory approval, Homicide Investigators may assume both roles for single vehicle, single occupant fatalities.

E. FOLLOW-UP INVESTIGATIONS

- 1. Fatalities - responsibility for conducting follow-up investigations for crashes involving actual or impending death to one or more persons shall be vested in the Traffic Homicide Investigator. Such investigations shall be pursued:
 - a. In accordance with procedures specified in the "Traffic Homicide Investigation Manual."
 - b. Until available leads have been fully explored or until a decision that further investigative effort is unlikely to be productive has been rendered by appropriate command/supervisory personnel.
- 2. Non-Fatality – responsibility for conducting follow-up investigations for crashes not involving actual or impending death to one or more persons shall be vested in the member assigned to investigate the collision in accordance with procedures outlined in Section "D" above. If due to transfer or other reason the original investigator is unable to complete the investigation, a supervisor will assign another member to complete the investigation and file appropriate reports.
 - a. In attempting to determine whether additional investigative effort is warranted, members/supervisors shall consider whether or not any of the following information factors are available:
 - (1) Has a reliable witness to the incident been located?
 - (2) Is the suspect known or can he/she be identified?
 - (3) Has an identifiable description of the suspect vehicle been obtained?
 - (4) Was any physical evidence recovered?
 - (5) Will recovered evidence tie the suspect/vehicle to the incident under investigation?
 - (6) Is physical evidence pending completion of laboratory analysis or testing?
 - b. If a negative response is obtained to each of the questions referenced in Section "a" immediately above, further investigative

effort will not in all likelihood be successful. Consequently, unless contrary instructions are received from supervisory personnel, the member shall advise the victim:

- (1) That the investigation has been concluded and that information leading to the identification of the offender has not been developed.
- (2) That further investigative effort is not likely to be productive and the case will be closed.
- (3) That if further information is developed, the case will be reopened and the victim will be advised of the outcome.

- c. Follow-up reports on all open investigations shall be required at no more than 30-day intervals.

F. DUI CRASH INVESTIGATIONS

1. Members are to carefully observe all parties involved in a traffic crash, paying particular attention to the behavior, attitude, speech, physical condition, balance and other characteristics that may indicate impairment on the part of any driver.
2. If signs of impairment are observed, the member will, at the conclusion of the traffic crash investigation, conduct a criminal investigation to determine if probable cause of DUI exists.
3. When probable cause of DUI exists, the driver shall be arrested.
 - a. Every effort should be made to ensure that an appropriate test is performed to determine the driver's blood alcohol content or the presence of chemical or controlled substances, if warranted. If the suspected DUI driver has caused death or serious bodily injury to any human being, the member shall require the driver to submit to a blood test.
 - b. If a blood sample is obtained and the driver is not going to be admitted to a hospital, the driver shall be arrested.
 - c. If a blood sample is obtained and the driver is going to be admitted to a hospital, the member shall immediately notify the on-duty/on-call supervisor and brief him/her of the circumstances of the case. The member in consultation with the supervisor and Shift Commander will determine the proper course of action.
 - (1) When the driver is not a flight threat due to the severity of his/her injuries, hospital personnel shall be requested to notify the member when the driver is going to be released. Once released the driver shall be arrested and processed.

- (2) If the driver is a flight threat, the member shall place the driver under arrest and make arrangements to ensure a guard is stationed with the prisoner at all times.

17.04.08 REGULATIONS

- A. Crash reports shall not be utilized to document incidents involving vehicles damaged by vandalism, thrown objects, or by fire, unless the fire resulted from a traffic collision. Such occurrences shall be reported on the Offense Incident Report (DHSMV 60009).
- B. All photographs, audio/video tapes, reports, and any other materials, generated or obtained during the course of any crash investigation may not be sold, disposed of, disseminated, or otherwise released, except in accordance with the provisions of law and DHSMV Management Manual Policy #9.03. Members shall be prohibited from selling or releasing photographs, videotapes or other materials made in conjunction with the performance of their official duties whether such materials were produced using Division or personally owned equipment and supplies.
- C. Members are not permitted either while on duty or on off-duty police employment or non-police employment to investigate or reconstruct a traffic crash that has been previously investigated by another member of this Division or another law enforcement agency unless specifically authorized to do so by the Troop Commander.
- D. All traffic crash reports completed utilizing the Mobile software are to be transmitted to the server as soon as the report has been completed.